

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

SUNDESA, LLC, a Utah limited liability company, and RUNWAY BLUE, LLC, a Utah limited liability company,

Plaintiff,

vs.

PERFECTSHAKERS.COM, a Canadian limited liability company,

Defendant.

**AMENDED SCHEDULING ORDER**

Case No. 2:11-cv-00165-BCW  
Judge Clark Waddoups

On May 1, 2012, Magistrate Judge Paul M. Warner entered Order Granting Joint Motion and Stipulation to Vacate Scheduling Order (Dkt. 61) and therein ordered “that the parties shall submit [a new] scheduling proposal to the Court for approval within seven (7) days of the Court’s order on Defendant’s Motion for Protective Order to Stay Discovery.” Dkt. 35.

On August 22, 2012, Judge Clark Waddoups ordered that Defendant’s Motion for Protective Order to Stay Discovery was moot per the Court’s findings on Defendant’s Motion to Dismiss Plaintiff’s Fifth Claim for Relief. Dkt. 83. Accordingly, the parties hereby submit their scheduling proposal to the Court for approval.<sup>1</sup>

<b>1.</b>	<b>AMENDMENT OF PLEADINGS/ADDING PARTIES</b>	<b>DATE</b>
a.	Last Day to File Motion to Amend Pleadings	11/26/12
b.	Last Day to File Motion to Add Parties	11/26/12

<sup>1</sup> This does not include proposals for the Preliminary Matters or Discovery Limitations sections referenced in the initial scheduling order (Dkt. 31) since those dates or limitations have either lapsed or remained the same.

<b>2.</b>	<b>RULE 26(a)(2) REPORTS FROM EXPERTS</b>	<b>DATE</b>
a.	Plaintiff	10/29/12
b.	Defendant	10/29/12
c.	Counter reports	12/03/12
<b>3.</b>	<b>OTHER DEADLINES</b>	<b>DATE</b>
a.	Discovery to be completed by:	
	Fact discovery	02/04/13
	Expert discovery	02/04/13
b.	(optional) Final date for supplementation of disclosures and discovery under Rule 26 (e)	03/04/13
c.	Deadline for filing dispositive or potentially dispositive motions	04/01/13
<b>4.</b>	<b>SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION</b>	<b>DATE</b>
a.	Referral to Court-Annexed Mediation:	<u>Yes/No</u>
b.	Referral to Court-Annexed Arbitration	<u>Yes/No</u>
c.	Evaluate case for Settlement/ADR on	10/08/12
d.	Settlement probability:	Fair
<b>5.</b>	<b>TRIAL AND PREPARATION FOR TRIAL</b>	<b>TIME</b> <b>DATE</b>
a.	Rule 26(a)(3) Pretrial Disclosures	
	Plaintiff	07/19/13
	Defendant	08/02/13
b.	Objections to Rule 26(a)(3) Disclosures (if different than	45 days prior to trial

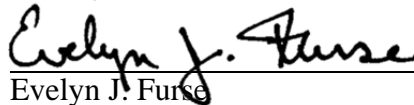
	14 days provided in Rule)		date
c.	Special Attorney Conference on or before		08/16/13
d.	Settlement Conference on or before		08/16/13
e.	Final Pretrial Conference	2:30 p.m.	08/26/13
f.	Trial	<u>Length</u>	
i.	Bench Trial	<u># days</u>	__:___.m. 00/00/00
ii.	Jury Trial	5 days	8:30 a.m. 09/09/13

## 6. OTHER MATTERS

Counsel should contact chambers staff of the judge presiding in the case regarding *Daubert* and *Markman* motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions *in Limine* should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under *Daubert* must be raised by written motion before the final pre-trial conference.

Signed September \_13th\_\_\_, 2012.

BY THE COURT:



Evelyn J. Furse  
U.S. Magistrate Judge